

05/25

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**OFFICE DEPOT, INC., and
OCS ACQUISITION CORP,**

Plaintiffs,

—against—

ROGER POST,

Defendant.

ROGER POST and W.B. MASON COMPANY, INC.

Counterclaim Plaintiffs,

—against—

**OFFICE DEPOT, INC., and
OCS ACQUISITION CORP**

Counterclaim Defendants.

07 Civ. 2871
(DLC)

USDC SDNY
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**STIPULATION OF DISMISSAL OF W.B. MASON'S
COUNTERCLAIM WITHOUT PREJUDICE**

Pursuant to Federal Rule of Civil Procedure 41, Counterclaim Plaintiff W.B. Mason Company, Inc., through its attorneys, stipulates and agrees that W.B. Mason Company, Inc.'s Counterclaim against Office Depot, Inc. and OCS Acquisition Corp. is hereby dismissed without prejudice in its entirety.

The parties will bear their own attorneys' fees and costs.

SO ORDERED:

[Signature]

U.S.D.J.
July 20, 2007